

the parties liable jointly with him, except their liability to contribute among themselves.

SEC. 5. Any person, company or corporation, engaged, as aforesaid, in draining such mines and lead bearing mineral lands, whenever he or they shall deem it necessary for the prosecution of their work shall have the right of way upon, over or under the surface of such mineral lands, and the contiguous and neighboring lands, for the purpose of conveying the water from said mineral lands by troughs, pipes, ditches, water races or tunnels, and the right to construct and use shafts and air holes in and upon the same, doing as little injury as possible in making said improvements. Right of way.

SEC. 6. If the said person, company or corporation engaged in draining as aforesaid, and the owner or owners of any land upon which said right of way may be deemed necessary cannot agree as to the amount of damages which will be sustained by the owner or owners by reason thereof, the parties may proceed to have the same assessed under the provisions of Article 3 of Chapter 55 of the Laws of Iowa known as the Revision of 1860. Damages.

SEC. 7. This Act shall not be construed to require the owners of the mineral interest in any of said lands to take the mineral therefrom or to authorize any other person to take the mineral from said land without the consent of the said owner or owners. Consent of owners.

SEC. 8. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the State Register and the Iowa Homestead.

Approved March 3d, 1864.

I hereby certify that the foregoing Act was published in the Daily State Register on the 5th day of March, A. D. 1864, and in the Iowa Homestead on the 16th day of March, A. D. 1864.

JAMES WRIGHT, Secretary of State.

CHAPTER 38.

COMPENSATION OF DISTRICT ATTORNEYS.

AN ACT to amend Section 5 of Chapter 19 of the Acts of the Extra Session of the Ninth General Assembly, entitled "An Act fixing the salaries of certain officers."

SECTION 1. *Be it enacted by the General Assembly*

of the State of Iowa, That Section 5 of Chapter 19 of the Acts of the Extra Session of the Ninth General Assembly, be so amended as to read as follows, to-wit :
 Salary. That the salaries of the several District Attorneys shall be six hundred dollars per annum, and in addition the following fees, to be paid in the manner now provided by law. For each conviction, on plea of guilty, five dollars ; for each jury trial, in cases of misdemeanor, five dollars ; and in each jury trial, in cases of felony, ten dollars. For each judgment for costs only, five dollars ; and for all fines and forfeitures actually collected by him, ten per cent. upon all sums of two hundred dollars and less, and one per cent. upon that part of any sum in excess of two hundred dollars to be audited and allowed like other claims against the county.

Fees.

Defendant to pay fees. SEC. 2. In case of conviction as contemplated in the preceding Section, the same fees therein allowed to the District Attorneys, shall be taxed against the defendant which shall be collected by the Clerk and paid into the County Treasury.

Approved March 4th, 1864.

CHAPTER 39.

SOUTHERN BORDER.

AN ACT to repeal Chapter 17 of Acts of Extra Session of the Ninth General Assembly, 1862, entitled an Act to provide for the better protection of the Southern Border.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Chapter 17 of the Acts of the Extra Session of the Ninth General Assembly, 1862, entitled an Act to provide for the better protection of the southern border, be and the same is hereby repealed.

SEC. 2. This Act being deemed of immediate importance by the General Assembly, shall take effect and be in force from and after its publication in the Daily State Register and Iowa Homestead, newspapers published in the city of Des Moines.

Approved March 4th, 1864.

I hereby certify that the foregoing Act was published in the Daily State Register on the 10th day of March, A. D. 1864, and in the Iowa Homestead on the 16th day of March, A. D. 1864.

JAMES WRIGHT, Secretary of State.